

raised in a March 19, 1996, letter. In addition, I was pleased to work closely with Congressman VIC FAZIO from California who introduced similar legislation. The administration is also on record as being supportive of this bill. This is indicative of the bipartisan nature of this legislation.

As a 38-year law enforcement veteran, I have seen epidemics of heroin, LSD, cocaine, and crack infect our cities and communities. We must take immediate and dramatic action to ensure that meth is eradicated, while at the same time enabling consumers access to cold, flu, and allergy medication. That is why I introduced H.R. 3852, which:

Increases penalties for possession and trafficking of methamphetamine, making them equivalent to the penalties for crack-cocaine

Increases penalties for illegal possession and trafficking of precursor chemicals used for the manufacture of methamphetamine and other controlled substances.

Reduces single transaction reporting requirements for all sales other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine containing products from 1 kg to 24 grams.

Creates a safe harbor for ordinary over-the-counter products containing pseudoephedrine or phenylpropanolamine to cover those products packaged in package sizes of not greater than three grams of pseudoephedrine or phenylpropanolamine base and packaged in blister packs. This will effectively combat shelf sweeping.

Establishes new reporting requirements for firms that sell pseudoephedrine or phenylpropanolamine products via mail order.

Imposes tougher penalties on those who import meth or its precursor chemicals with the intent to distribute them within the United States.

H.R. 3852 represents a common sense approach to a dangerous problem. It fairly balances the concerns of consumers with those of law enforcement so that meth can be eliminated. It is my sincere hope that the President joins our antidrug initiative and signs H.R. 3852 into law. I urge my colleagues to support this tough, bipartisan legislation. Pass H.R. 3852!

Thank you, Mr. Speaker.

Mr. HEINEMAN. Mr. Speaker, today I am pleased that the House is poised to pass my bill, H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996. H.R. 1499 protects senior citizens from a sophisticated type of white collar criminal—telemarketing scam artists who target vulnerable elderly citizens.

These crimes are among the most outrageous in society because telemarketing scam artists prey on the most vulnerable—seniors who can least afford to lose their limited savings. In fact, Members have already spoken against telemarketing fraud once before, and many of my colleagues thought that the job of getting tough on these kinds of crimes was already completed. However, the job is only half done. The 1994 crime bill included important language cracking down on telemarketing fraud. Today we will pass legislation which completes what was begun in the 1994 crime bill, legislation that takes the tough sentences included in the 1994 crime bill and makes certain that telemarketing scam artists actually receive tougher penalties.

H.R. 1499 was approved unanimously by the Subcommittee on Crime together with a

technical amendment offered by Chairman BILL MCCOLLUM. This legislation was developed in consultation with the Department of Justice and staff of the U.S. Sentencing Commission. It is a reasonable, bipartisan bill, and I want to thank my colleagues on both sides of the aisle who have expressed their support for this legislation.

Why is this legislation needed? Telemarketing fraud against seniors is on the rise, but the average sentence for this kind of crime is only 18 months. The 1994 Crime bill directed the U.S. Sentencing Commission to review the Federal sentencing guidelines and report back to Congress on amendments to the guidelines that would ensure tough sentences for telemarketing frauds. Unfortunately, when the Sentencing Commission reported back to Congress in March of 1995, it concluded that no enhancements for telemarketing fraud were needed.

This past April, the Subcommittee on Crime heard the tragic testimony of senior citizens who lost their life savings to telemarketing scams. One of my constituents, Mary Ann Downs from Raleigh lost over \$74,000. In Durham, NC, an elderly woman was victimized for \$212,000. The FBI estimates that U.S. consumers lose over \$40 billion a year to fraudulent telemarketers.

My legislation directs the U.S. Sentencing Commission to amend the sentencing guidelines so that sentences for general telemarketing fraud offenses are enhanced by 4 levels, and telemarketing fraud offenses committed against seniors are enhanced by 8 levels.

According to staff of the U.S. Sentencing Commission, a 4-level enhancement for telemarketing frauds would equal roughly 11 months, or a 60-percent increase from the average 18 months sentence currently received. An 8-level increase would equal roughly an additional 25 months, or a 140-percent increase from the current average 18-month sentence for these frauds. This still falls short of the full extent of the 5 years and 10 years additional prison time envisioned by the 1994 Crime bill, but it is a critical step in combating telemarketing fraud.

The bill also includes a sentencing enhancement of 2 levels for frauds committed by defendants in a foreign country. This is in response to the fact that increasing numbers of telemarketers are moving their operations to foreign jurisdictions in an attempt to evade prosecution in the United States. In addition, H.R. 1499 provides for criminal forfeiture of the proceeds of telemarketing scams.

I urge my colleagues to support H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996 and help protect their senior constituents from telemarketing predators. Thank you, Mr. Speaker.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3852, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1296, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-842) on the resolution (H. Res. 536) waiving points of order against the conference report to accompany the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, which was referred to the House Calendar and ordered to be printed.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The Clerk read as follows:

H.R. 4137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT SEXUAL ASSAULT CRIMES OF VIOLENCE

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting "a person convicted under this subsection for the possession of a mixture or substance containing a detectable amount of a controlled substance, with the intent to administer such mixture or substance to another person to facilitate a crime of violence, as defined in section 16 of title 18, United States Code, (including a sexual assault) against that person, shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both, and if the victim or intended victim of the crime of violence is age 14 or under, shall be imprisoned not more than 20 years, and" after "Notwithstanding the preceding sentence,".

SEC. 3. ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(a) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 1 gram or more of flunitrazepam;"

(2) in subsection (b)(1)(B)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 100 mg or more of flunitrazepam;"

and

(3) in subsection (b)(1)(C), by inserting "or flunitrazepam" after "I or II".

(b) IMPORT AND EXPORT PENALTIES.—

(1) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".